

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05CV10216-JLT

CARLOS PINEDA, ET AL.
Plaintiffs

v.

DANIEL KEELER, ET AL.
Defendants

DEFENDANTS DANIEL KEELER'S AND DENNIS HARRIS'
MOTION FOR SUMMARY JUDGMENT

Defendants Sergeant Detective Daniel Keeler ("Sgt. Det. Keeler") and Sergeant Detective Dennis Harris ("Sgt. Harris") hereby move for summary judgment because, as a matter of law, discovery produced no facts to support actionable claims against them.

As grounds for said motion, Defendants contend that the summary judgment record establishes the following: (1) they did not conduct, order, or otherwise participate in Plaintiff Carlos Pineda's arrest; (2) in any event, ample probable cause supported Pineda's arrest; (3) they are entitled to qualified immunity on Plaintiffs' claims; (4) no unreasonable search occurred because Plaintiff Alexandra Perez gave consent to search their apartment; (5) the warrantless entry of Plaintiffs' apartment was also permissible under the "hot pursuit" and exigent circumstances doctrines; (6) the protective sweep was constitutionally proper

given the flight and search of armed murder suspects; and (8) Plaintiffs' claims under the Massachusetts Civil Rights Act fail as a matter of law.

In further support of said motion, Defendants submit the attached memorandum of law and other supporting materials.

DEFENDANTS REQUEST ORAL ARGUMENT FOR THIS MOTION

Respectfully submitted,

DEFENDANTS, DANIEL KEELER and
DENNIS HARRIS

William F. Sinnott
Corporation Counsel

By their attorneys:

/s/ Helen G. Litsas
Helen G. Litsas, BBO# 644848
Special Assistant Corporation
Counsel
Law Office Of Helen G. Litsas
38 Main Street
Saugus, MA 01906
(781) 231-8090

Thomas Donohue, BBO# 643483
Assistant Corporation Counsel
City of Boston Law Department
City Hall, Room 615
Boston, MA 02201
(617) 635-4039

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and served on all parties on on June 18, 2007.

/s/ Thomas Donohue
Thomas Donohue